

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

APPLE INC.,	)	
	)	
Plaintiff,	)	
	)	C.A. No. 22-1377-MN-JLH
v.	)	
	)	<b>JURY TRIAL DEMANDED</b>
MASIMO CORPORATION and	)	
SOUND UNITED, LLC,	)	
	)	
Defendants.	)	
<hr/>		
APPLE INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 22-1378-MN-JLH
	)	
MASIMO CORPORATION and	)	
SOUND UNITED, LLC,	)	
	)	
Defendants.	)	

**JOINT LETTER TO JUDGE HALL REGARDING  
SEPTEMBER 14, 2023 DISCOVERY DISPUTE CONFERENCE**

David E. Moore (#3983)  
Bindu A. Palapura (#5370)  
Andrew L. Brown (#6766)  
POTTER ANDERSON & CORROON LLP  
Hercules Plaza, 6<sup>th</sup> Floor  
1313 N. Market Street  
Wilmington, DE 19801  
Tel: (302) 984-6000  
[dmoore@potteranderson.com](mailto:dmoore@potteranderson.com)  
[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)  
[abrown@potteranderson.com](mailto:abrown@potteranderson.com)

*Attorneys for Plaintiff/Counter-Defendant  
Apple Inc.*

John C. Phillips, Jr. (#110)  
Megan C. Haney (#5016)  
PHILLIPS MC LAUGHLIN & HALL, P.A.  
1200 North Broom Street  
Wilmington, DE 19806  
Tel: (302) 655-4200  
[jcp@pmhdelaw.com](mailto:jcp@pmhdelaw.com)  
[mch@pmhdelaw.com](mailto:mch@pmhdelaw.com)

*Attorneys for Defendants Masimo Corporation  
and Sound United, LLC and Counter-  
Claimant Cercacor Laboratories, Inc.*

Dated: September 13, 2023  
11054443/12209.00051

Re: Apple Inc. v. Masimo Corporation, et al. C.A. Nos. 22-1377/1378-MN-JLH

Dear Judge Hall:

The Parties jointly submit this letter to report that they have resolved the following two disputes set to be heard at tomorrow's hearing:

1. Issue #1 in Apple's Sept. 6, 2023 Letter Brief (C.A. No. 22-1377, DI 296; C.A. No. 22-1378, D.I. 319): "The Court Should Order Masimo To Produce Email Responsive To Apple's Revised Search Terms". Masimo has agreed to produce emails in response to Apple's revised terms, beginning on September 14, 2023 and continuing on a rolling basis until complete by October 5, 2023.
2. Issue #1 in Masimo's Sept. 6, 2023 Letter Brief (C.A. No. 22-1377, DI 295; C.A. No. 22-1378, D.I. 318): "Apple Is Improperly Refusing To Provide Discovery On Accused Apple Watches". Based on its investigation regarding document availability, Apple has agreed to use diligent efforts to complete its document production relating to Apple Watch Series 9 and Ultra 2 by September 30, 2023.

The Parties appreciate the Court's assistance with this matter.

Respectfully,

*/s/ David E. Moore*

David E. Moore

DEM:nmt/11054443/12209.00051

cc: Clerk of Court (via hand delivery)  
Counsel of Record (via electronic mail)